

## **Remarks**

Claims 22-27 and 29-31 are pending.

Claims 25-27 and 30 are presently withdrawn.

Claim 22 is amended.

Claims 23, 24 and 31 are as previously presented.

Claim 22 is amended for clarity by inserting immediately after the word "which" in line one the term "method" and by inserting immediately after the phrase "surface of a plastic with" the term "a surface coating composition containing". Support is found in the specification in the last line of page 17.

No new matter is added.

## **Rejections**

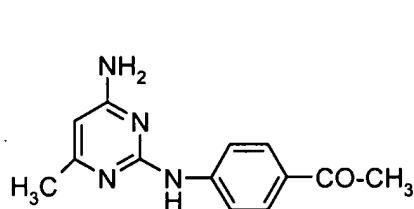
Claim 22-24, 29 and 31 are rejected under 35 USC 103(a) as being obvious over Sunley et. al., US 4,116,674 and Ghoniem et. al., J. Indian Chem Soc, 1986, p 914-917.

The Examiner states that the compounds of Sunley are similar to the instantly elected compounds. The Examiner further states that Ghoniem teaches that 2,4-disubstituted-6-methylpyrimidines are well known as anti-microbials and that it would therefore be obvious to use the similar compounds of Sunley to obtain antimicrobial effects. The Examiner also dismisses the "use" of the compounds on plastic surfaces as a relevant feature as the intended use of a compound is not patentable.

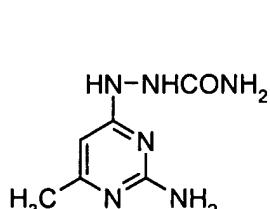
Applicants respectfully traverse the rejections.

Applicants respectfully counter that while an "intended use" of a compound is not patentable, a method for protecting a plastic surface is patentable provided that novel and non-obvious structural features are present. It is Applicants' contention, as discussed below, that the cited art neither meets the limitations of the instant claims, nor provides one with the motivation to attempt the claimed invention.

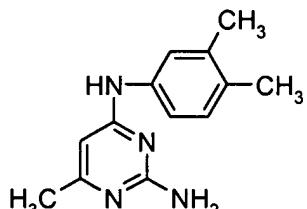
Applicants respectfully note that the general disclosure in column I page 914 of Ghoneim (as cited in the Action) states "diverse biological activities are associated with various substituted pyrimidines" and "some 6-methyl derivatives of the general formulae A and B were found to exhibit antimicrobial, fungicidal and insecticidal activities". Applicants respectfully contend that, by itself, such a broad statement fails to direct one to the instant method for antimicrobial treatment of plastic surfaces with specific compounds. Ghoneim further discloses a series of 2,4-disubstituted-6-methylpyrimidine derivatives and their antimicrobial activity. The antimicrobial activity of compounds (4c, 6a, f, g and j) was tested. Compound 6a showed moderate activity against *B. subtilis*, while compounds 4c and 6f were found to be active against *B. subtilis* and *A. niger*. Antibacterial activity against *B. subtilis* and *E. coli* was exhibited by compound 6g. Compound 6j showed no action at all.



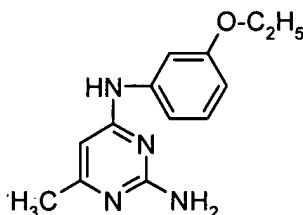
Compound 4c



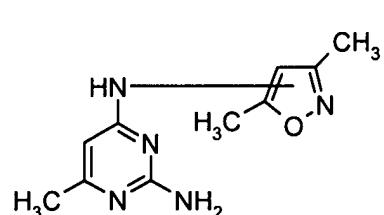
Compound 6a



Compound 6f



Compound 6g



Compound 6j

Applicants point out that the compounds tested (4c, 6a, f, g and j) differ from the compounds found in the instant method in that all tested compounds have a **free -NH<sub>2</sub> group**, whereas the compounds used in the instant invention do not have such group.

Applicants respectfully maintain that Ghoneim teaches only the antimicrobial activity of some compounds having a free -NH<sub>2</sub> group, for example, one of the tested compounds exhibited no activity, and that there is no teaching regarding the possible activity of other compounds such as those of the instant method.

Sunley discloses solely herbicidal activity of the compounds therein and there is no suggestion of antimicrobial activity. Despite the general statement at the beginning of Ghoniem that "some 6-methyl derivatives of the general formulae A and B were found to exhibit antimicrobial, fungicidal and insecticidal activities", Applicants aver that there is no general expectation that a herbicide will also act as an antimicrobial and Sunley contains no suggestion that the herbicides therein have any antimicrobial activity. Applicants respectfully aver that the cited art discloses herbicidal activity for compounds having an alkyl amino group bound in 2- and 4- position to the pyrimidine ring, and antimicrobial activity for compounds having an unsubstituted amino group on the pyrimidine ring.

In addition, no art cited suggests the application of compositions containing 2,4-disubstituted-6-methyl pyrimidine derivatives to the surface of plastics. Applicants note that there is no teaching in the cited art that either class of compounds, alkyl amino substituted or NH<sub>2</sub> pyrimidines, could be effectively used for any reason on the surface of a plastic. Applicants respectfully contend that even if a compound is known for a specific activity in a specific environment there is no general expectation that the compound will have activity against other micro organisms on specific surfaces.

A person skilled in the art would therefore not be guided to the method of the instant invention as the instant invention relates only to the treatment of plastic surfaces and there is no direct teaching as to the antimicrobial activity of the compounds employed. Applicants therefore respectfully maintain that without knowledge of the instant invention, one skilled in the art would have no expectation of the advantages provided by the instant method.

Applicants respectfully submit that the rejections of claims 22 to 24, 29 and 31 under 35 USC 103(a) over Sunley et. al., US 4,116,674 and Ghoniem et. al., J. Indian Chem Soc, 1986, p 914-917 are addressed and are overcome and kindly ask that the rejections be withdrawn and the claims be found allowable.

Applicants further kindly ask that upon finding claims 22 to 24, 29 and 31, which specifically encompass the elected species, allowable, that the Examiner rejoin the remainder of the selected invention, that is claims 25-27, and 30, and also find them allowable.

In the event that minor amendments will further prosecution, Applicants request that the examiner contact the undersigned representative.

Respectfully submitted,



Joseph C. Suhadolnik  
Agent for Applicants  
Reg. No. 56,880  
filed under 37 CFR 1.34(a)

Ciba Specialty Chemicals Corporation  
Patent Department  
540 White Plains Road  
P.O. Box 2005  
Tarrytown, NY 10591-9005  
Tel. (914) 785-2973  
Fax (914) 785-7102